

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

ORDER

Veer Chand.

Versus

State of Rajasthan
& Anr.

S.B. Criminal Misc. petition No. 603/2002
against the order dated 23-5-2002 passed
by the Addl. Sessions Judge, Bali, district
Pali, in Criminal Revision No. 75/1998.

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Date of Order:

September 15, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Bhupendra Bhatnagar, for the petitioner.

Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has challenged the order dated 23-5-2002 passed by the Additional Sessions Judge, Bali, district Pali (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 75/1998, whereby the revision petition filed by the petitioner against the order dated 13-6-1994 passed by the Sub-Divisional Magistrate, Bali, district Pali (for short, "the

Executive Magistrate" hereinafter), was dismissed.

I have heard learned counsel for the petitioner and the Public Prosecutor for the state. Carefully gone through the orders passed by the Executive Magistrate as well as the Revisional Court.

It appears that proceedings under Sections 145 and 146 of the Code were initiated on 26-4-1983. The land in dispute was attached but subsequently the same was released from attachment and since then party No.1 i.e. non-petitioner No.2 herein is in possession over the land in dispute. Before the Executive Magistrate, non-petitioner No.2 produced his evidence, however, the petitioner earlier could not appear and ex parte proceedings were initiated against him and he did not lead any evidence.

By an elaborate and well-reasoned order, the Executive Magistrate came to the conclusion that after initiation of the proceedings, for more than twelve years, no untoward occurrence has taken place and there had been no evidence of apprehension of breach of peace, and dropped the proceedings. That order came to be challenged before the Revisional Court. The Revisional Court did not interfere with the order passed by the Executive Magistrate. In my view, the Executive Magistrate was justified in dropping the proceedings. It cannot be said that the impugned order would result in serious miscarriage of justice

of abuse of process of the Court.

The criminal miscellaneous petition is, therefore,
dismissed.

(H.R. PANWAR), J.

mcs